

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT T KELLY and ELIZABETH
KELLY,

Plaintiffs,

v.

CHASE HOME FINANCE LLC, et al.,

Defendants.

CASE NO. 3:13-cv-05029-RBL

ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its own Motion after reviewing the Defendants' Status Report. [Dkt. #10]. Defendants report that Plaintiff's counsel, Mr. Penfield, has failed to participate in the case in any meaningful way. He has failed to participate in making initial disclosures, and failed to follow through on a promise to dismiss a party that he apparently concedes should not be in the case. He did not participate in the required Rule 26(f) conference. Indeed, the Status Report indicates that Defendants have not even been served.

Defendants also point out that this is not the first case in which Mr. Penfield has failed to honor his obligations under the Rules. They attach Show Cause Orders from *Alexander v. JP*

1 *Morgan Chase Bank*, No. 12-cv- 1629RSL (Dkt. #11) and *Alexander*¹ v. *JP Morgan Chase*
 2 *Bank*, No. 12-cv-1791RAJ, both of which went unanswered.

3 This Court's cursory review of the CM-ECF filings in this District disclosed two
 4 additional cases following the same script: file a case on behalf of a client facing foreclosure, do
 5 nothing else, and have the case dismissed for failure to prosecute. *See Hansen v. Deutsche Bank*
 6 *National Trust Co.*, No. 12-cv-0535JCC (Dkt. #8) and *Fagerlie v. Opus Bank*, No. 12-cv-
 7 1386JCC (Dkt. #19).

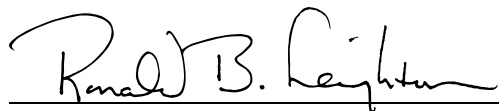
8 Plaintiff's Counsel, Mr. Penfield, is hereby ORDERED TO SHOW CAUSE in writing
 9 by May 21, 2013:

- 10 1. Why this case should not be dismissed with prejudice for failure to prosecute;
- 11 2. Why he should not be sanctioned for his repeated failure to prosecute cases he
 12 initiates in this District; and
- 13 3. Why he should not be barred from practicing in this District.

14 The failure to so respond will result in the imposition of one or more of these sanctions.

15 IT IS SO ORDERED.

16 Dated this 14th day of May, 2013.

17 

18 RONALD B. LEIGHTON
 19 UNITED STATES DISTRICT JUDGE

20 _____

21 ¹ The Plaintiff in these cases appears to be the same person. Judge Lasnik dismissed the
 22 earlier case with prejudice for failure to comply with the Court's Orders on January 15, 2013.
 23 (Dkt. #13). Judge Jones dismissed the latter case with prejudice for failure to prosecute on April
 24 17, 2013. (Dkt. #10). It is not clear if Judge Jones was aware of the prior case, and this Court has
 not endeavored to determine if the second case was barred by the first. The relevant fact is that
 Mr. Penfield has demonstrated a pattern of failing to prosecute cases, even in the face of Court
 Orders.